

## INFORMATION PAPER

ATJA

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### SUBJECT: Collecting Conference Fees

1. **Purpose.** To provide general information regarding the fiscal rules pertaining to collection of conference fees.
2. **Discussion.** Commands often seek to reduce the cost of sponsoring a conference by charging attendees a “conference fee.” This fee might be for the purpose of food, lodging, use of the facility, or reproducing conference materials. The problem with this arrangement lies primarily in 31 U.S.C. § 3302(b), the Miscellaneous Receipts Act (MRA).

The MRA requires agencies to deposit all funds received for use of the United States in the general fund of the Treasury as miscellaneous receipts, unless otherwise authorized. Failure to comply constitutes an improper augmentation of the agency’s appropriation.

Problems arise when conference sponsors incur expenses and attempt to collect funds from individual attendees to defray these costs. IAW the MRA, these collected funds must be deposited into the Treasury and are not available for disbursement to satisfy obligations incurred by the conference sponsors.

An apparent way to avoid this problem is to have the contractor who is responsible for organizing the conference, or the hotel where the conference is being held, collect the fee. However, the problem with this practice is the contractor or hotel is acting as the agent of the government. GAO has determined that government agencies that lack authority to charge and retain fees may not cure that lack of authority by engaging a contractor to do what it may not do.

3. **One possible exception.** A conference attendee may collect personal funds on behalf of other conference attendees who voluntarily want meals purchased on their behalf (thus, an attendee wanting to bring his/her own meal would not have to pay the fee). The collection cannot be made on behalf of the Army; and the fees must be completely voluntary, e.g. the fee cannot be a perquisite to attending the conference. Moreover, the funds may not be commingled with, or augmented by, appropriated funds.

4. This information paper discusses the prohibition against collecting conference fees. It is simply an overview and designed to provide familiarization with this area. Each event or function must be analyzed on its own individual facts and circumstances. This information paper should not be construed as authoritative. Questions regarding fiscal matters

**should be always addressed to the Directorate of Resource Management.  
Fiscal law issues should be addressed to the Office of the Staff Judge  
Advocate.**